

1998 Legislative Summary for IDEM

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NOTE: *Please note that several topics may affect more than one program. Those topics are listed only in the program that is most affected.*

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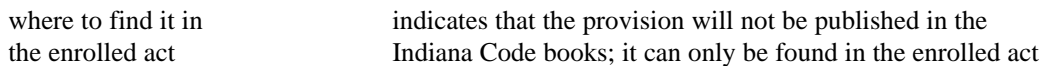
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The “1998 Legislative Summary for IDEM” highlights the main points of legislation from the 1998 session of the Indiana General Assembly. The summary focuses only on those topics that directly affect IDEM activities or is information that would be useful to IDEM staff.

This summary is provided as a reference guide. It highlights the main points of each topic and directs you to the location of the exact language in the enrolled act. Please note that the summary for each topic is not exhaustive. It should not take the place of looking at the actual language in the act. It is recommended that you use the summary only as an initial reference, then refer to the actual act for the exact wording and context.

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## **ALL PROGRAMS:**

### **COMPUTING PERMIT APPEAL TIMES**

*HEA 1263, SECTION 13; IC 13-15-6-1*

*HEA 1263, SECTION 14; IC 13-15-6-3*

*HEA 1263, SECTION 15; IC 13-15-6-5*

*Effective July 1, 1998*

- Computing periods of time concerning:
  - 1) appeals of IDEM determinations to issue or deny permit applications;
  - 2) environmental law judge determinations to assign the matter for an adjudicatory hearing; and
  - 3) air permit or air permit renewal appeals;will be based on when the notice is *served*, rather than beginning with the day the notice is *received*.

*HEA 1263, SECTION 16; IC 13-15-6-7*

*Effective July 1, 1998*

- In computing a period of time under IC 13-15-6, the day of the act, event, or default from which the designated period of time begins to run is not included.
- A period of time under this chapter that commences when a person is served with a paper commences with respect to a particular person on the earlier of the date that:
  - 1) the person is personally served with the notice; or
  - 2) a notice for the person is deposited in the United States mail.
- If a notice is served through the United States mail, three days must be added to a period that commences upon service of that notice.
- The last day of the computed period is to be included unless it is a Saturday, Sunday, legal holiday under a state statute, or a day that the office in which the act is to be done is closed during regular business hours. In that case, a period runs until the end of the next day after a day described above.

### **STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION (SLAPP) SUITS**

*HEA 1021, SECTION 6; IC 34-4-45*

*Recodification: HEA 1021, SECTION 7; IC 34-7-7*

*Effective March 13, 1998*

*Effective July 1, 1998*

*Repeal effective July 1, 1998 due to the recodification of IC 34*

- It is a defense in a civil action against a person that the act or omission complained of is:
  - 1) an act or omission of that person in furtherance of the person's right of petition or free speech under the Constitution of the United States or the Constitution of the State of Indiana in connection with a public issue; and
  - 2) an act or omission taken in good faith and with a reasonable basis in law and fact.
- This applies to an act in furtherance of a person's right of petition or free speech in connection with a public issue or an issue of public interest that arises after March 13, 1998. It does not apply to an action that was filed and is pending before March 13, 1998.
- The person who files a motion to dismiss must state with specificity the public issue or issue of public interest that prompted the act in furtherance of the person's right of petition or free speech. The motion to dismiss shall be granted if the court finds that the person filing the

motion has proven that the act upon which the claim is based is a lawful act in furtherance of the person's right of petition or free speech.

- A prevailing defendant on a motion to dismiss is entitled to recover reasonable attorney's fees and costs. If a court finds that a motion to dismiss made under this chapter is frivolous or solely intended to cause unnecessary delay, the plaintiff is entitled to recover reasonable attorney's fees and costs to answer the motion.
- This does not apply to an enforcement action brought in the name of the state of Indiana by the attorney general, a prosecuting attorney, or another attorney acting as a public prosecutor.

### **TECHNICAL CORRECTIONS**

*SEA 101, SECTIONS 10,19, 23-30, 44-58, 61, and 90*

*Effective March 12, 1998*

- *Refer to the explanation of the technical corrections that affect IDEM in Appendix B.*

### **RECODIFICATION OF IC 34 CIVIL LAW AND PROCEDURE**

*HEA 1011; IC 34*

*Effective July 1, 1998*

- All of the provisions on civil law and procedure have been recodified. IC 34-1 through IC 34-5 will be repealed on July 1, 1998. Those provisions will be recodified as IC 34-6 through IC 34-57.

## **AIR PROGRAM:**

### **THE MANUFACTURING REPRESENTATIVE ON THE AIR POLLUTION CONTROL BOARD**

*HEA 1263, SECTION 17; IC 13-17-2-2*

*Effective July 1, 1998*

- The requirement for the manufacturing representative appointed to the Air Pollution Control Board is changed by specifying that the representative be employed by an entity that has applied for or received a Title V operating permit.

### **AUTHORITY TO ADOPT RULES TO ALLOW PERMITS AND PERMIT MODIFICATIONS TO BECOME EFFECTIVE IMMEDIATELY**

*HEA 1263, SECTION 18; IC 13-17-3-4(b)*

*Effective July 1, 1998*

- The Air Pollution Control Board is given the authority to adopt rules that allow actions taken by the commissioner of IDEM on permits and permit modifications to become effective immediately, regardless of whether a 30-day comment period is held on the permits or permit modifications. The board may adopt rules only after considering the:
  - 1) environmental significance of;
  - 2) federal requirements for federally delegated or approved programs concerning; and
  - 3) need for opportunity for public participation on;the permits or permit modifications.

## **KYOTO PROTOCOL ON GLOBAL CLIMATE CHANGE**

*Senate Concurrent Resolution (SCR) 20*

*(Note that a “concurrent resolution” does not have the effect of law. It is used to express the sentiment of the Indiana General Assembly.)*

- The U.S. is a signatory to the 1992 United Nations Framework Convention on Global Climate Change (FCCC). The Kyoto Protocol, negotiated in 1997 in Kyoto, Japan, is the protocol to expand the FCCC. The protocol would require the U.S. to reduce emissions of greenhouse gases by 7% (other major industrial nations by 6% to 8%) from 1990 levels during the period 2008 to 2012, with potentially larger emission reductions thereafter. In 1997, the U.S. Senate adopted Senate Resolution No. 98 that stated that the U.S. should not be a signatory to any protocol regarding the FCCC unless the protocol or other agreement mandates that developing countries have specific scheduled commitments within the same compliance period to mitigate greenhouse gas emissions.
- The Indiana General Assembly calls upon the President of the United States of America to not sign the Kyoto Protocol. If the U.S. signs the protocol, the Indiana General Assembly calls upon the U.S. Senate to reject any proposed protocol or amendment to the FCCC that is inconsistent with U.S. Senate Resolution No. 98.

## **WATER PROGRAM:**

### **THE MANUFACTURING REPRESENTATIVE ON THE WATER POLLUTION CONTROL BOARD**

*HEA 1263, SECTION 19; IC 13-18-1-2*

*Effective July 1, 1998*

- The requirement for the manufacturing representative appointed to the Water Pollution Control Board is changed by specifying that the representative be employed by an entity that holds an NPDES major permit.

### **USE OF MONEY IN THE WASTEWATER REVOLVING LOAN FUND AND THE DRINKING WATER REVOLVING LOAN FUND**

*SEA 241, SECTION 2; IC 13-18-13-30*

*SEA 241, SECTION 4; IC 13-18-21-30*

*Effective March 13, 1998*

- Money in the Wastewater Revolving Loan Fund, and loan repayments to be deposited in the fund, is allowed to be used to secure a leveraged loan program or other financial assistance programs established in connection with the Drinking Water Revolving Loan Fund. Money in the Drinking Water Revolving Loan Fund, and loan repayments to be deposited in the fund, is allowed to be used to secure a leveraged loan program or other financial assistance programs established in connection with the Wastewater Revolving Loan Fund.

## **CODIFICATION OF RULEMAKING REQUIREMENT REGARDING SUBMITTAL OF PLANS FOR THE DESIGN OR CONSTRUCTION OF A SANITARY SEWER OR PUBLIC WATER MAIN**

*SEA 241, SECTION 1; IC 13-18-3-12*

*Effective March 13, 1998*

- In 1996, a noncode provision (P.L.130-1996, SECTION 9) was passed that required the Water Pollution Control Board to adopt rules to eliminate submittal of plans concerning the design or construction of a sanitary sewer or public water main to any state agency for a permit, permission, or review (unless required by federal law) if:
  - 1) a person submits the plans to a unit;
  - 2) a professional engineer prepared the plans;
  - 3) a qualified engineer provided by the unit reviewed and approved the plans; and
  - 4) all other requirements specified in rules adopted by the Water Pollution Control Board are met.

It was determined by the Indiana Attorney General's Office that rules adopted under the authority of this noncode provision would expire when this noncode provision expires on July 1, 1998. In this year's legislative session, SEA 241 passed this same rulemaking requirement but added it to the Indiana Code at IC 13-18-3-12 so that the rules will not expire when the rulemaking authority expires.

## **NONPROFIT WATER UTILITY AS A WATER AUTHORITY**

*SEA 241, SECTION 3; IC 13-18-16-16*

*Effective March 13, 1998*

- A nonprofit water utility may adopt a resolution approved by its board of directors that reconstitutes the nonprofit water utility as a "water authority".
- A resolution must allow the structure of the board of directors and the rules governing the water authority to remain the same as those applicable to the nonprofit water utility.
- The water authority shall retain all its powers as a nonprofit water utility.
- A water authority constituted under IC 13-18-16-16 is a political subdivision of the state.
- A copy of a resolution adopted under this section must be filed with the secretary of state. The secretary of state shall dissolve the corporate status of the nonprofit water utility for purposes of state law.

## **ENVIRONMENTAL RESPONSE PROGRAM:**

### **UNDERGROUND STORAGE TANK GRANT PROGRAM**

*SEA 158, SECTION 1; IC 13-23-10-1*

*SEA 158, SECTION 2; IC 13-23-10-3*

*SEA 158, SECTION 4; IC 13-23-10-10*

*Effective July 1, 1998*

- The Indiana Development Finance Authority (IDFA) may use money in the Underground Storage Tank Guaranty Fund to award grants to owners and operators to assist in the closure or removal of underground storage tanks.

- An owner or operator may receive a grant from the Underground Storage Tank Guaranty Fund if the owner or operator:
  - 1) submits an application for a grant to the IDFA on a form provided by the IDFA;
  - 2) owns or operates not more than 12 underground storage tanks;
  - 3) had an adjusted gross income of less than \$50,000 per year for the five years immediately preceding the year the owner or operator submits an application for a grant or is a nonprofit corporation;
  - 4) has complied with IC 13-23 or IC 13-7-20 (before its repeal), rules adopted under IC 13-23 or IC 13-7-20 (before its repeal), 42 U.S.C. 6991 through 6991i, and regulations adopted under 42 U.S.C. 6991 through 6991i;
  - 5) has paid all registration fees that are required under IC 13-23-12;
  - 6) verifies that the grant will be used to close or remove an underground storage tank and will not be used to upgrade an underground storage tank, and the owner or operator will not be involved in the distribution of motor fuels after the underground storage tank is closed or removed; and
  - 7) submits any other information as required by the IDFA.
- The IDFA shall consider applications submitted under this section in the order the applications are received.
- The IDFA, IDEM, and the Underground Storage Tank Financial Assurance Board are required to develop guidelines for awarding grants from the Underground Storage Tank Guaranty Fund to owners and operators to assist in the closure or removal of underground storage tanks.

**WRITTEN REPORT ON THE UNDERGROUND PETROLEUM STORAGE TANK TRUST FUND TO THE UNDERGROUND STORAGE TANK FINANCIAL ASSURANCE BOARD**

*SEA 158, SECTION 5; IC 13-23-11-7(c)*

*Effective July 1, 1998*

- IDEM is required to provide the Underground Storage Tank Financial Assurance Board with a written report on the financial condition and operation of the Underground Petroleum Storage Tank Trust Fund at each meeting.

**LENDER AND FIDUCIARY LIABILITY FOR ENVIRONMENTAL PROBLEMS**

**Lender Liability**

*HEA 1263, SECTION 20; IC 13-23-13-14 Underground Storage Tanks*

*HEA 1263, SECTION 22; IC 13-24-1-10 Petroleum Facilities*

*HEA 1263, SECTION 25; IC 13-25-4-8.2 Vessels or Facilities*

*Effective March 12, 1998*

- A lender shall be considered to participate in the management of an underground storage tank, a petroleum facility, or a vessel or facility if the lender:
  - 1) exercises decision making control over the environmental compliance such that the lender has undertaken responsibility for the hazardous substance or petroleum handling or disposal practices; or
  - 2) exercises control at a level comparable to that of a manager such that the lender has assumed or manifested responsibility for:
    - a) the overall management of day to day decision making with respect to environmental compliance; or



b) overall, or substantially overall, of the operational functions (as distinguished from financial or administrative functions) other than the function of environmental compliance;  
of an underground storage tank, a petroleum facility, or a vessel or facility.

### **Fiduciary Liability**

*HEA 1263, SECTION 21; IC 13-23-13-15 Underground Storage Tanks*

*HEA 1263, SECTION 23; IC 13-24-1-11 Petroleum Facilities*

*HEA 1263, SECTION 26; IC 13-25-4-8.4 Vessels or Facilities*

*Effective March 12, 1998*

- The liability of a fiduciary for the release or threatened release of a hazardous substance from an underground storage tank or a vessel or facility, or petroleum from a petroleum facility held in a fiduciary capacity does not exceed the assets held in a fiduciary capacity.
- This provision outlines under what conditions a fiduciary is not liable in its personal capacity for the release or threatened release of hazardous substances or petroleum.
- The liability of a fiduciary is not limited by the above terms if negligence of a fiduciary causes or contributes to the release or threatened release of a hazardous substance or petroleum, or if a person acts in a capacity that directly or indirectly benefits from a trust or fiduciary relationship.

### **Liability for the Release or Threatened Release of a Hazardous Substance From a Facility**

*HEA 1263, SECTION 24; IC 13-25-4-8(c)*

*Effective March 12, 1998*

- “Lender” is added to the provision that limits liability in connection with the release or threatened release of a hazardous substance from a facility.
- The defined term “participated in management” replaces the terms that previously described when a lender, creditor, or fiduciary is responsible for the release or threatened release of a hazardous substance at a facility.

### **Repeal of Old Lender Liability Provisions**

*HEA 1263, SECTION 27; IC 13-24-1-9*

*Effective March 12, 1998*

- IC 13-24-1-9 Liability of Creditor or Fiduciary for Petroleum Releases is repealed.

### **Definitions**

*HEA 1263, SECTION 1; IC 13-11-2-48*

*Effective March 12, 1998*

- The term “petroleum facility” is removed from the definition of “creditor” for purposes of IC 13-25-4-8 Liability for the Release or Threatened Release of Hazardous Substances from a Facility.
- “Creditor” is no longer defined for purposes of IC 13-24-1-9 Liability of Creditor or Fiduciary for Petroleum Releases.

*HEA 1263, SECTION 2; IC 13-11-2-81*

*Effective March 12, 1998*

- “Fiduciary” is defined for purposes of IC 13-23-13 Underground Storage Tank Corrective Actions, IC 13-24-1 Petroleum Releases, and IC 13-25-4 Hazardous Substances Response Trust Fund. (Therefore, “fiduciary” is redefined for IC 13-24-1-9 Liability of Creditor or

*Fiduciary for Petroleum Releases, and IC 13-25-4-8 Liability for the Release or Threatened Release of Hazardous Substances from a Facility.)*

*HEA 1263, SECTION 3; IC 13-11-2-81.5*

*Effective March 12, 1998*

- “Fiduciary capacity” is defined for purposes of IC 13-23-13 Underground Storage Tank Corrective Actions, IC 13-24-1 Petroleum Releases, and IC 13-25-4 Hazardous Substances Response Trust Fund.

*HEA 1263, SECTION 4; IC 13-11-2-85.5*

*Effective March 12, 1998*

- “Financial or administrative function” is defined for purposes of the definitions of “participate in management”, IC 13-23-13-14 Underground Storage Tank Lender Liability, IC 13-24-1-10 Petroleum Facility Lender Liability, and IC 13-25-4-8.2 Vessel or Facility Lender Liability.

*HEA 1263, SECTION 5; IC 13-11-2-119*

*Effective March 12, 1998*

- “Lender” is defined for purposes of IC 13-23-13 Underground Storage Tank Corrective Actions, IC 13-24-1 Petroleum Releases, and IC 13-25-4 Hazardous Substances Response Trust Fund.

*HEA 1263, SECTION 6; IC 13-11-2-147.5*

*Effective March 12, 1998*

- “Operational function” is defined for purposes of the definitions of “participate in management”, IC 13-23-13-14 Underground Storage Tank Lender Liability, IC 13-24-1-10 Petroleum Facility Lender Liability, and IC 13-25-4-8.2 Vessel or Facility Lender Liability.

*HEA 1263, SECTION 7; IC 13-11-2-148(e)*

*Effective March 12, 1998*

- Exclusions are added for the definition of “operator” for purposes of IC 13-23-13 Underground Storage Tank Corrective Actions.

*HEA 1263, SECTION 8; IC 13-11-2-151(d)*

*Effective March 12, 1998*

- Exclusions are added for the definition of “owner or operator” for purposes of IC 13-24-1 Petroleum Releases.

*HEA 1263, SECTION 9; IC 13-11-2-151.2*

*HEA 1263, SECTION 10; IC 13-11-2-151.3*

*HEA 1263, SECTION 11; IC 13-11-2-151.4*

*Effective March 12, 1998*

- “Participate in management” is defined for purposes of IC 13-23-13 Underground Storage Tank Corrective Actions, IC 13-24-1 Petroleum Releases, and IC 13-25-4 Hazardous Substances Response Trust Fund.

*HEA 1263, SECTION 12; IC 13-11-2-197.7*

*Effective March 12, 1998*

- “Security interest” is defined for purposes of the definitions of “participate in management”,

“lender”, “operator”, IC 13-23-13-14 Underground Storage Tank Lender Liability, IC 13-24-1-10 Petroleum Facility Lender Liability, and IC 13-25-4-8.2 Vessel or Facility Lender Liability.

### **EMERGENCY MANAGEMENT ASSISTANCE COMPACT**

*SEA 347, SECTION 1; IC 10-4-2.5*

*Effective March 11, 1998*

- The Emergency Management Assistance Compact is a compact that Indiana and other states may enter into to provide for:
  - 1) mutual assistance among the party states in managing an emergency or disaster; and
  - 2) cooperation in emergency related exercises, testing, or other training activities.Each state that is a party to the compact is required to formulate specified procedural plans and programs for interstate cooperation.

## **SOLID WASTE PROGRAM:**

### **WASTE TIRES**

#### **Indoor Waste Tire Storage Site Registration**

*HEA 1338, SECTION 3; IC 13-11-2-251(2)*

*HEA 1338, SECTION 9; IC 13-20-13-5(5)*

*Effective July 1, 1998*

- A person who accumulates 2,000 or more waste tires indoors within a completely enclosed structure is required to obtain a waste tire storage certificate of registration from IDEM.  
(Storage registration requirements previously only applied to outdoor storage sites.)

#### **Waste Tire Processing Operation Registration**

*HEA 1338, SECTION 2; IC 13-11-2-250.5*

*HEA 1338, SECTION 4; IC 13-20-13-1*

*HEA 1338, SECTION 6; IC 13-20-13-2*

*HEA 1338, SECTION 7; IC 13-20-13-3*

*HEA 1338, SECTION 8; IC 13-20-13-4*

*HEA 1338, SECTION 9; IC 13-20-13-5*

*HEA 1338, SECTION 11; IC 13-20-13-6*

*HEA 1338, SECTION 13; IC 13-20-13-11*

*Effective July 1, 1998*

- Waste tire processing operations that cut, shred, and grind waste tires are required to register with IDEM. The term does not include a retail operation that cuts or shreds waste tires generated by the retail operation.

### **The Number of Waste Tires at a Storage Site that Requires Registration**

HEA 1338, SECTION 3; IC 13-11-2-251

HEA 1338, SECTION 4; IC 13-20-13-1

Effective July 1, 1998

- A site at which 1,000 or more waste tires are accumulated outdoors or within a structure that is not completely enclosed requires registration. *(The number of waste tires stored outdoors that requires registration has increased from 500 to 1,000 waste tires. This simplifies who needs to register and also eliminates the need for the language that: 1) a site that supplies tires to a recycling program; 2) a site that is used for the retail sale of tires; and 3) a site of a business that removes tires from vehicles; at which fewer than 1,000 waste tires are present are exempt from the storage and processing operation registration requirements.)*
- A site at which 2,000 or more waste tires are accumulated indoors within a completely enclosed structure requires registration.
- The number of tires that triggers the registration exemption for a site of a facility that is used to retread tires is increased from 1,000 waste tires present to fewer than 5,000 waste tires present indoors within a completely enclosed structure.
- A vehicle or container in which waste tires are stored for less than 30 days is exempt from the waste tire storage and processing operation registrations.
- A vehicle that is properly licensed, capable of legally transporting waste tires, and in which waste tires are completely enclosed is exempt from the waste tire storage and processing operation registrations.

### **Financial Assurance for Waste Tire Storage Sites**

HEA 1338, SECTION 8; IC 13-20-13-4(a)(5)

HEA 1338, SECTION 9; IC 13-20-13-5(3)

HEA 1338, SECTION 13; IC 13-20-13-11(b)(3)

Effective July 1, 1998

- Both indoor and outdoor waste tire storage sites are required submit a description of evidence of financial assurance to IDEM as part of an application for registration and to maintain financial assurance acceptable to the department necessary for waste tire removal. This amount will be determined by rules adopted by the Solid Waste Management Board.

HEA 1338, SECTION 22; Noncode, subsection (b)

Effective July 1, 1998

*Expires the earlier of July 2, 1999 or the date the rules adopted by the Solid Waste Management Board become effective*

- The financial assurance requirements for existing indoor waste tire storage sites are grandfathered until rules adopted by the Solid Waste Management Board become effective. *(Existing outdoor storage sites are already required to maintain financial assurance.)*

### **Financial Assurance for Waste Tire Transporters**

HEA 1338, SECTION 16; IC 13-20-14-5(b)(4)

Effective July 1, 1998

- Waste tire transporters are required to submit a description of evidence of financial assurance, maintained in accordance with the rules adopted, in an amount of at least \$10,000 to IDEM as part of an application for registration.

HEA 1338, SECTION 22; Noncode, subsection (c)

Effective July 1, 1998

Expires the earlier of July 2, 1999 or the date the rules adopted by the Solid Waste Management Board become effective

- The financial assurance requirements for existing waste tire transporters are grandfathered until rules adopted by the Solid Waste Management Board become effective.

### **Authority to Revoke, Modify, and Deny All Types of Waste Tire Registrations**

HEA 1338, SECTION 1; IC 13-11-2-67

HEA 1338, SECTION 7; IC 13-20-13-3(d) Storage sites and processing operations

HEA 1338, SECTION 10; IC 13-20-13-5.5 Storage sites and processing operations

HEA 1338, SECTION 16; IC 13-20-14-5(h) Transporters

HEA 1338, SECTION 18; IC 13-20-14-5.6 Transporters

Effective July 1, 1998

- IDEM is given the authority to revoke, modify, and deny all types of waste tire registrations.

### **Conditions in Registration that Ensure Compliance**

HEA 1338, SECTION 7; IC 13-20-13-3(c) Storage sites and processing operations

HEA 1338, SECTION 16; IC 13-20-14-5(g) Transporters

Effective July 1, 1998

- IDEM may include in a certificate of registration for waste tire storage sites, processing operations, and transporters, conditions, including a compliance schedule, that ensure compliance with IC 13-20-13, IC 13-20-14, and rules adopted by the board.

### **Property Owner Signature Required as Part of Application for Registration**

HEA 1338, SECTION 8; IC 13-20-13-4(a)(4)

Effective July 1, 1998

- If the person who applies for a certificate of registration of a waste tire storage site or a waste tire processing operation does not own the property where the waste tires will be stored or processed, the signature of the person who owns the property must be included with the application for registration submitted to IDEM.

### **Proper Storage of Waste Tires**

HEA 1338, SECTION 5; IC 13-20-13-1.5

Effective July 1, 1998

- A person that stores waste tires is required to do so in a manner that:
  - 1) does not pose a threat to human health or the environment;
  - 2) does not pose a fire hazard; and
  - 3) controls vectors that pose a threat to human health.

*(This applies to both registered waste tire storage sites and storage sites that store too few waste tires to qualify for registration.)*

### **Annual Reports**

HEA 1338, SECTION 9; IC 13-20-13-5(1) Storage sites and processing operations

HEA 1338, SECTION 16; IC 13-20-14-5(f)(3) Transporters

Effective July 1, 1998

- Indoor waste tire storage sites and waste tire processing operations are required to report annually to IDEM on the number of waste tires received and the number and manner of disposal of the waste tires. *(Outdoor waste tire storage sites were previously the only ones to*

*report annually.)*

- Waste tire transporters are required to report annually to IDEM on the number of waste tires transported by the waste tire transporter.

### **Manifests**

*HEA 1338, SECTION 9; IC 13-20-13-5(6) Storage sites and processing operations*

*HEA 1338, SECTION 15; IC 13-20-14-4 Transporters*

*HEA 1338, SECTION 17; IC 13-20-14-5.3 Source of more than 12 waste tires per year*

*Effective July 1, 1998*

- A waste tire storage site and a person that is the source of more than 12 waste tires per year, including retailers, auto salvagers, and sellers of used tires, are required to retain a copy of manifests from a waste tire transporter for at least one year and make a copy of them available to IDEM upon request. *(Previously, only transporters were required to manifest.)*
- The term “retailer” is replaced with “source of waste tires” for purposes of manifests.

### **Civil Penalties Deposited Into the Waste Tire Management Fund**

*HEA 1338, SECTION 12; IC 13-20-13-8(d)(7)*

*Effective July 1, 1998*

- Civil penalties for waste tire violations will be deposited into the Waste Tire Management Fund to be used by IDEM for waste tire removal and remediation projects.

### **Cost Recovery with a Commissioner’s Administrative Order**

*HEA 1338, SECTION 14; IC 13-20-13-14 Storage sites and processing operations*

*HEA 1338, SECTION 20; IC 13-20-14-8 Transporters*

*Effective July 1, 1998*

- IDEM can proceed in the appropriate court with a commissioner’s administrative order (rather than only with a court order) to recover costs and damages from a person who is responsible for the improper storage or disposal of waste tires and fails, without sufficient cause, to properly undertake removal or remedial action.

### **Department of Commerce Pays Its Own Administrative Costs**

*HEA 1338, SECTION 12; IC 13-20-13-8(a)(2)(B)*

*Effective July 1, 1998*

- The Department of Commerce must use its own portion of the Waste Tire Management Fund (rather than IDEM’s portion of the fund) to pay the expenses of administering its grant and loan programs.

### **IDEM to Receive 100% of The \$0.25 per New Tire Fee**

*HEA 1338, SECTION 12; IC 13-20-13-8(d)(2)*

*Effective July 1, 1998*

- 100% of the revenue from the \$0.25 new tire fee will go to IDEM for waste reduction, recycling, removal, or remediation projects. *(The \$0.25 fee was previously split 35% to IDEM and 65% to the Department of Commerce.)*

### **Repeal of Expiration of Chapter**

*HEA 1338, SECTION 16; IC 13-20-14-5(e)*

*HEA 1338, SECTION 19; IC 13-20-14-7(c)*

*HEA 1338, SECTION 20; IC 13-20-14-8(b)*

*HEA 1338, SECTION 21; Noncode*

*Effective July 1, 1998*

- The July 1, 2000 expiration date is repealed so that the waste tire storage, processing operation and transporter registration programs, inspection program, education program, cost recovery authority, Waste Tire Management Fund, and the \$0.25 fee on each new tire will continue after July 1, 2000.

### **Requirement to Adopt Rules to Implement Changes to the Waste Tire Program**

*HEA 1338, SECTION 22; Non-code, subsection (a)*

*Effective July 1, 1998*

*Expires the earlier of July 2, 1999 or the date the rules adopted by the Solid Waste Management Board become effective*

- The Solid Waste Management Board is required to adopt rules before July 1, 1999 to implement the indoor waste tire storage and waste tire processing operation registration programs, financial assurance, and other changes to the waste tire management program as added and amended by HEA 1338.

### **AGRICULTURAL NONCONFORMING USE LAND**

*SEA 445, SECTION 1; IC 36-7-4-616*

*Effective July 1, 1998*

- "Nonconforming use land" is defined as agricultural land that is used contrary to a comprehensive plan or zoning ordinance for the area where the land is located and was used for agricultural purposes before the adoption of a comprehensive plan or zoning ordinance.
- Land remains as nonconforming use land as long as the land is used for agricultural purposes for any three year period in a five year period.
- A county or municipality cannot do any of the following:
  - 1) terminate an agricultural nonconforming use on nonconforming use land (as long as the agricultural nonconforming use has been maintained for each least any three year period in a five year period);
  - 2) restrict any agricultural nonconforming use on nonconforming use land; or
  - 3) require an owner of nonconforming use land to obtain a variance, a special exception, a special use, a contingent use, or a conditional use for the use of the land for agricultural purposes.

*SEA 445, SECTION 2; IC 36-7-11.1-13*

*SEA 445, SECTION 3; IC 36-7-11.1-13.1*

*Effective July 1, 1998*

- Similar provisions on agricultural nonconforming use land as above are added to apply to Marion County. Additionally, a county or municipality cannot require an owner of nonconforming use land to obtain a permit for work or a certificate of appropriateness for the nonconforming use land.
- Agricultural nonconforming use land in Marion County is not subject to the following requirements:
  - 1) Any building, structure, or land use in existence at the time of adoption of the historic

preservation plan that is not in conformity to or within the zoning classification or restrictions or requirements or architectural standards of this plan may continue only so long as the owner continually maintains that use.

- 2) The nonconforming use may not be reconstructed or structurally altered to an extent exceeding in aggregate cost 50% of the market value unless the structure is changed to a conforming use.

## **SOLID WASTE MANAGEMENT DISTRICTS**

### **Solid Waste Management District Power Restrictions**

*SEA 387, SECTION 2; IC 13-21-3-14*

*Effective January 1, 1998 (retroactive)*

- The following are two new restrictions of power of a solid waste management district:
  - 1) The power to establish the type of service that a person must provide for the collection or disposal of solid waste or recyclables within the district.
  - 2) The power to establish fees that a person must charge for the collection or disposal of solid waste or recyclables within the district.
- An existing power restriction is changed from exclusive control of “the collection or disposal of solid waste *and* recyclables within the district” to “the collection or disposal of *any* solid waste *or* recyclables within the district”.
- The power restriction to exclusively control the collection or disposal of any solid waste or recyclables within the district is clarified by stipulating that it is by means that include franchising and establishing a territory or territories within the district in which a person may provide service.
- None of the power restrictions apply to activities conducted as part of a household hazardous waste collection and disposal project.

*SEA 387, SECTION 4; Noncode*

*Effective January 1, 1998 (retroactive)*

- The power restrictions do not apply to a contract executed before April 1, 1998.

### **Waste Management Services**

*SEA 387, SECTION 3; IC 13-21-3-14.5*

*Effective July 1, 1998*

- The term “solid waste management services” is changed to “waste management services” to make it consistent with the rest of the section.

*SEA 387, SECTION 4; Noncode*

*Effective January 1, 1998 (retroactive)*

- The conditions for provisions of waste management services by solid waste management districts do not apply to a contract executed before April 1, 1998.



### **Lake County Solid Waste Management District Board Appointments**

*SEA 387, SECTION 1; IC 13-21-3-5(b)*

*Effective July 1, 1998*

- The mayors of Gary, Hammond, and East Chicago may appoint a member of the legislative body of their respective cities to serve as a member of the Lake County Solid Waste Management District Board in their place.

## **POLLUTION PREVENTION PROGRAM:**

### **POLLUTION PREVENTION GRANTS**

*SEA 241, SECTION 5; IC 13-27-2-10*

*Effective March 13, 1998*

- The scope of the grants program is broadened from “clean manufacturing” to “pollution prevention”. The commissioner may award grants to assist in the establishment of programs or materials to train and assist personnel in developing methods to measure and plan for “pollution prevention” (previously “clean manufacturing”). The commissioner may award grants to assist in creating programs to train and certify environmental auditors, engineers, and industrial hygienists to identify, evaluate, and implement “pollution prevention” (previously “clean manufacturing”) measures and alternatives in audits, plans, and programs.
- “Local units of government” is added to the list of entities eligible to receive grants to be used in establishing programs or materials to train and assist personnel in developing methods to measure and plan for pollution prevention. “Local units of government” is added to the list of entities eligible to receive grants to be used in creating programs to train and certify environmental auditors, engineers, and industrial hygienists to identify, evaluate, and implement pollution prevention measures and alternatives in audits, plans, and programs.

## APPENDIX A

### Brief Summary of 1998 Legislation that Affects IDEM

| Enrolled Act No. | Subject(s)                                                                                                                                  | Synopsis                                                                                                                                                                                                                                                                                                                                                                                                                                | Effective Date |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| SEA 101          | Technical Corrections                                                                                                                       | Numerous technical corrections were made that affect IDEM.                                                                                                                                                                                                                                                                                                                                                                              | 3/12/98        |
| SEA 158          | Underground Storage Tank Grant Program                                                                                                      | The Indiana Development Finance Authority (IDFA) may use money in the Underground Storage Tank Guaranty Fund to award grants to owners and operators to assist in the closure or removal of underground storage tanks. An owner or operator must meet certain requirements in order to receive a grant. Guidelines for awarding grants will be developed by the IDFA, IDEM, and the Underground Storage Tank Financial Assurance Board. | 7/1/98         |
| SEA 241          | Use of Money in the Drinking Water and Wastewater Revolving Loan Funds                                                                      | Money in the Drinking Water Revolving Loan Fund and money in the Wastewater Revolving Loan Fund may be used by both funds to be used for a leveraged loan program or other financial assistance program.                                                                                                                                                                                                                                | 3/13/98        |
|                  | Codification of Rulemaking Requirement Regarding Submittal of Plans for the Design or Construction of a Sanitary Sewer or Public Water Main | The noncode rulemaking requirement for the Water Pollution Control Board to adopt rules to eliminate the submittal of plans concerning the design or construction of a sanitary sewer or public water main to any state agency for a permit, permission, or review (unless required by federal law) was codified so that the provision will not expire.                                                                                 | 3/13/98        |
|                  | Nonprofit Water Utility as a Water Authority                                                                                                | A nonprofit water utility may adopt a resolution approved by its board of directors that reconstitutes the nonprofit water utility as a "water authority". A water authority is a political subdivision of the state.                                                                                                                                                                                                                   | 3/13/98        |
|                  | Pollution Prevention Grants                                                                                                                 | The scope of the grants program is broadened from "clean manufacturing" to "pollution prevention". "Local units of government" is added to the list of entities eligible to receive grants.                                                                                                                                                                                                                                             | 3/13/98        |

|          |                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |
|----------|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| SEA 347  | Emergency Management Assistance Compact                        | The Emergency Management Assistance Compact is a compact that Indiana and other states may enter into to provide for mutual assistance among the party states in managing an emergency or disaster.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 3/11/98               |
| SEA 387  | Solid Waste Management District Power Restrictions             | Two new restrictions of power of a solid waste management district have been added: 1) the power to establish the type of service that a person must provide for the collection or disposal of solid waste or recyclables within the district; and 2) the power to establish fees that a person must charge for the collection or disposal of solid waste or recyclables within the district. Other existing power restrictions were modified. The power restrictions do not apply to activities conducted as part of a household hazardous waste collection and disposal project. The power restrictions do not apply to a contract executed before April 1, 1998. | 1/1/98<br>retroactive |
|          | Waste Management Services                                      | The term “solid waste management services” is changed to “waste management services” to make it consistent with the rest of the section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 7/1/98                |
|          | Lake County Solid Waste Management District Board Appointments | The mayors of Gary, Hammond, and East Chicago may appoint a member of the legislative body of their respective cities to serve as a member of the Lake County Solid Waste Management District Board in their place.                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 7/1/98                |
| SEA 445  | Agricultural Nonconforming Use Land                            | An agricultural nonconforming use of land remains as nonconforming use land as long as the land is used for agricultural purposes for any 3-year period in a 5-year period. Restrictions are placed on a county or municipality regarding agricultural nonconforming use land.                                                                                                                                                                                                                                                                                                                                                                                      | 7/1/98                |
| SCR 20   | Kyoto Protocol on Global Climate Change                        | The protocol would require the U.S. to reduce emissions of greenhouse gases by 7% from 1990 levels during the period 2008 to 2012. The Indiana General Assembly calls upon the President of the U.S. to not sign the protocol unless developing countries join in on the effort.                                                                                                                                                                                                                                                                                                                                                                                    | NA                    |
| HEA 1011 | Recodification of IC 34 Civil Law and Procedure                | All of the provisions on civil law and procedure have been recodified. IC 34-1 through IC 34-5 will be repealed on July 1, 1998. Those provisions will be recodified as IC 34-6 through IC 34-57.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 7/1/98                |
| HEA 1021 | Strategic Lawsuits Against Public Participation (SLAPP) Suits  | A person may use as a defense in a motion to dismiss a civil action against the person that the statement made is an act in furtherance of the person’s right of free speech in connection with a public issue.                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 3/13/98               |

|          |                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |         |
|----------|--------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| HEA 1263 | Lender and Fiduciary Liability for Environmental Problems                                              | A lender shall be considered to participate in the management of an underground storage tank, a petroleum facility, or a vessel or facility if the lender exercises decision making control: 1) over environmental compliance; or 2) at a level comparable to that of a manager. It outlines under what conditions a fiduciary is not liable in its personal capacity for the release or threatened release of a hazardous substance or petroleum.                                                                                                                                                                | 3/12/98 |
|          | Manufacturing Representative on the Air Pollution Control Board                                        | The requirement for the manufacturing representative appointed to the Air Pollution Control Board is changed by specifying that the representative be employed by an entity that has applied for or received a Title V operating permit.                                                                                                                                                                                                                                                                                                                                                                          | 7/1/98  |
|          | Manufacturing Representative on the Water Pollution Control Board                                      | The requirement for the manufacturing representative appointed to the Water Pollution Control Board is changed by specifying that the representative be employed by an entity that holds an NPDES major permit.                                                                                                                                                                                                                                                                                                                                                                                                   | 7/1/98  |
|          | Computing Permit Appeal Times                                                                          | Computing periods of time concerning : 1) appeals of IDEM determinations to issue or deny permit applications; 2) environmental law judge determinations to assign the matter for an adjudicatory hearing; and 3) air permit or air permit renewal appeals will be based on when the notice is <i>served</i> , rather than beginning with the day the notice is <i>received</i> . Procedures are specified for computing periods of time concerning appeals of IDEM determinations to issue or deny permits.                                                                                                      | 7/1/98  |
|          | Authority to Adopt Rules to Allow Air Permits and Permit Modifications to Become Effective Immediately | The Air Pollution Control Board is given the authority to adopt rules that allow actions taken by the commissioner of IDEM on permits and permit modifications to become effective immediately, regardless of whether a 30-day comment period is held on the permits or permit modifications. The board may adopt these rules only after considering the: 1) environmental significance of; 2) federal requirements for federally delegated or approved programs concerning; and 3) need for opportunity for public participation on; the permits or permit modifications.                                        | 7/1/98  |
| HEA 1338 | Waste Tires                                                                                            | <i>Indoor</i> waste tire storage sites and waste tire processing operations are required to obtain a certificate of registration from IDEM. Waste tire transporters and indoor waste tire storage sites are required to maintain financial assurance. IDEM is given the authority to revoke, modify, and deny all types of waste tire registrations. The July 1, 2000 expiration date is repealed so that the waste tire registration programs, inspection program, education program, cost recovery authority, Waste Tire Management Fund, and the \$0.25 fee in each new tire will continue after July 1, 2000. | 7/1/98  |

# APPENDIX B

## EXPLANATION OF 1998 TECHNICAL CORRECTIONS IN SEA 101

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*Note: All technical corrections are effective March 12, 1998 unless otherwise indicated.*

### **All Programs:**

- **Rulemaking Procedures–3rd Comment Period**

*SECTION 48; IC 13-14-9-5*

Replaces the term “board” with “department” since IDEM actually publishes the notice of the 3<sup>rd</sup> public comment period in the Indiana Register.

- **Final Order of Administrative Law Judge**

*SECTION 10; IC 4-21.5-3-27*

Corrects an internal code cite reference.

### **Water Program:**

- **Definition of “Contaminant”**

*SECTION 44; IC 13-11-2-42*

The references to the federal Water Pollution Control Act and the federal Solid Waste Disposal Act were switched. This error occurred during the process of recodifying IC 13 in 1996.

- **Certification of Hydroelectric or Geothermal Heating or Cooling Devices for Tax Deduction**

*SECTION 19; IC 6-1.1-12-35*

*Effective January 1, 1999*

Reconciles conflicting language between HEA 1542 and HEA 1783 passed in 1997.

### **Environmental Response Program:**

- **Underground Petroleum Storage Tank Excess Liability Trust Fund**

*SECTION 54; IC 13-23-8-4*

Reconciles conflicting language between SEA 7 and SEA 359 passed in 1997. Corrects an internal code cite reference from “IC 13-8-4.5” to “IC 13-23-8-4.5”.

- **Underground Storage Tank Board**

*SECTION 55; IC 13-23-11-7*

Corrects the numbering of subdivisions within the section.

- **Underground Storage Tank Supplemental Annual Registration Fee**

*SECTION 56; IC 13-23-12-1*

*SECTION 57; IC 13-23-12-4*

Corrects the annual registration fee for each underground storage tank containing regulated substances other than petroleum from \$45 to \$245 to account for the \$200 supplemental annual registration fee. This error occurred during the process of recodifying IC 13 in 1996.

- **Cost Recovery of Petroleum Releases**

*SECTION 58; IC 13-24-1-3*

Changes an internal code cite reference from “section 7” to “section 4” since section 4 is regarding cost recovery and section 7 is regarding expenses payable from the Hazardous Substances Response Trust Fund.

- **Underground Petroleum Storage Tank Excess Liability Trust Fund**

*SECTION 61; IC 16-44-2-19*

Changes the term “underground petroleum storage tank excess liability fund” to “underground petroleum storage tank excess liability trust fund”.

- **Brownfield Revitalization Zone Tax Abatement**

*SECTION 23; IC 6-1.1-42-10*

*Effective January 1, 1999*

*SECTION 26; IC 6-1.1-42-20*

*Effective January 1, 1999*

The code cite “IC 6-1.1-17-5.1” (a school corporation) is added to whom the designating body is required to file the resolution that declares an area as a brownfield revitalization zone.

*SECTION 24; IC 6-1.1-42-16*

*SECTION 25; IC 6-1.1-42-19*

*SECTION 29; IC 6-1.1-42-32*

*SECTION 30; IC 6-1.1-42-33*

Corrects internal code cite references.

*SECTION 27; IC 6-1.1-42-24*

Deletes language from a bill drafting or editing error. Makes a grammatical correction.

**Solid Waste Program:**

- **Definition of “Contaminant”**

*SECTION 44; IC 13-11-2-42*

The references to the federal Water Pollution Control Act and the federal Solid Waste Disposal Act were switched. This error occurred during the process of recodifying IC 13 in 1996.

- **Definition of “Final Disposal Facility”**

*SECTION 45; IC 13-11-2-82*

The definition of “final disposal facility” now applies to the provisions in IC 13-20-3 Solid Waste Management Reporting and IC 13-20-22 State Solid Waste Management Fees; State Solid Waste Management Fund. This technical error occurred during the process of recodifying IC 13 in 1996.

- **Definition of “Landfill”**

*SECTION 46; IC 13-11-2-116*

The definition of “landfill” now applies to IC 13-11-2-82 which is the definition of “final disposal facility”. This technical error occurred during the process of recodifying IC 13 in 1996.

- **Marion County Exemption from the \$0.50 per Ton Waste Disposal Fee**

*SECTION 49; IC 13-20-22-1*

*SECTION 50; IC 13-20-22-12*

*SECTION 51; IC 13-20-22-14*

Inserts language and changes internal code cites that exempts Marion County from the \$0.50 per ton waste disposal fee. This technical error occurred during the process of recodifying IC 13 in 1996.

- **Solid Waste Management District Powers**

*SECTION 52; IC 13-21-3-12*

*Effective March 1, 2001*

Reconciles conflicting language between HEA 1339 and HEA 1783 passed in 1997.

**Hazardous Waste Program:**

- **Secondary Material Exemption Rule Adoption Authority**

*SECTION 53; IC 13-22-11.5-5*

Replaces the term “commissioner” with “board” (Solid Waste Management Board) for purposes of rulemaking authority, since the commissioner does not have rulemaking authority.

**Pollution Prevention Program:**

- **Clean Manufacturing Technology Board**

*SECTION 90; Non-code*

Corrects the name of the board from “Clean Manufacturing Technology and Safe Materials Board” to “Clean Manufacturing Technology Board”.

- **Definition of “Pollution Prevention”**

*SECTION 47; IC 13-11-2-166*

Adds “U.S.C.” to the federal code cite.

## APPENDIX C

# How To Properly Reference State Legislation

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Most of the time, you will probably reference just the Indiana Code (IC) citation, for example *IC 13-18-13-30*, but sometimes you may want to indicate which enrolled act the provision came from and what year it was passed, especially for non-code provisions.

There are various ways you can properly reference an enrolled act:

- 1) You can use the SEA number or HEA number as long as you include the year it passed, for example:

**SEA 241, passed in 1998**

You must include the year it passed because the enrolled act numbers are reused every year for different pieces of legislation.

- 2) You can just use the public law (P.L.) number that corresponds with the enrolled act number, for example:

**P.L.104-1998**

The public law number already indicates the year the legislation passed so you do not need to repeat it.

- 3) You can use a combination of the enrolled act number and the public law number, for example:

**SEA 241 (P.L.104-1998)**

*\* Remember: Once legislation becomes a law, it is **no longer referred to as a “bill”**. It becomes an HEA or SEA.*

**Acronyms:** SEA      Senate Enrolled Act  
                 HEA      House Enrolled Act  
                 P.L.      Public Law

| 1998                 |                    |
|----------------------|--------------------|
| Enrolled Act Number: | Public Law Number: |
| SEA 101              | P.L.2-1998         |
| SEA 158              | P.L.63-1998        |
| SEA 241              | P.L.104-1998       |
| SEA 347              | P.L.30-1998        |
| SEA 387              | P.L.110-1998       |
| SEA 445              | P.L.113-1998       |
| HEA 1011             | P.L.1-1998         |
| HEA 1021             | P.L.114-1998       |
| HEA 1263             | P.L.90-1998        |
| HEA 1338             | P.L.93-1998        |



# APPENDIX D

## How to Find The Most Current Version Of A Law In The Indiana Code After the 1998 Legislative Session

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Now that the 1998 legislative session is over and new legislation has passed, we need to make sure we are using the most current version of a law.

### When Using the “Indiana Code” (IC) Books:

The IC books are the red hard-covered books.

#### **Version #1 (to be used until the 1998 edition to the IC is published):**

You will need to look in TWO places: the 1997 supplement to the IC plus the 1998 enrolled acts.

- 1st Look up the citation of the law in the 1997 supplement of the IC, for example *IC 13-18-1-2*.
- 2nd Look at the “1998 Legislative Summary for IDEM” and to see if any enrolled acts were passed in the 1998 session that are related to the IC citation you are looking up. The versions in the 1998 enrolled acts supersede the 1997 supplement.

#### **Version #2 (to be used after the 1998 edition to the IC is published):**

You will need to look in only ONE place-- the 1998 edition of the IC. You will no longer need to look at the 1997 supplement or the enrolled acts, except for non-code provisions.

**Note:** The 1998 *edition* of the IC is a comprehensive collection of all laws from the 1998 legislative session and earlier. The 1997 *supplement* to the IC is a cumulative collection of new laws and amendments to existing laws from bills that were passed in the 1994, 1995, 1996 and 1997 legislative sessions. Since the environmental laws were recodified in 1996 and the entire IC 13 was reprinted in the 1996 and 1997 supplements, we do not need to refer to the 1993 edition as we would have normally. The 1993 edition of the IC is a comprehensive collection of all laws from the 1993 legislative session and earlier.

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When Using the “Indiana Environmental Statutes” Books:

The “Indiana Environmental Statutes” Books are the soft-covered books published by IDEM.

Version #1 (to be used until the 1998 edition of the “Indiana Environmental Statutes” book is published):

You will need to look in TWO places: the 1997 edition plus the 1998 enrolled acts.

- 1st Look up the citation of the law in the 1997 edition, for example *IC 13-18-1-2*.
- 2nd Look at the “1998 Legislative Summary for IDEM” and to see if any enrolled acts were passed in the 1998 session that are related to the IC citation you are looking up. The versions in the 1998 enrolled acts supersede the 1997 edition.

Version #2 (to be used after the 1998 edition is published):

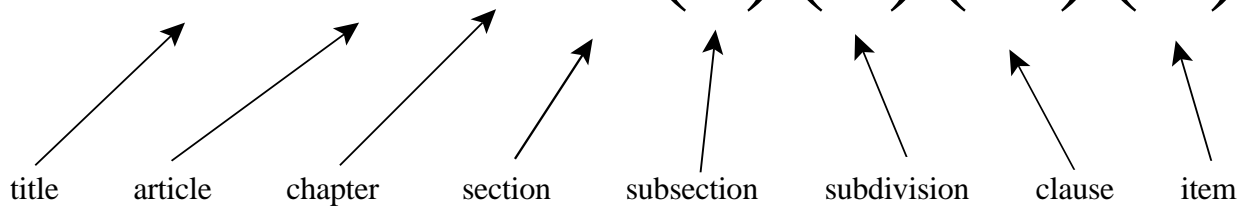
You will need to look in only ONE place--the 1998 edition of the “Indiana Environmental Statutes”. You will no longer need to look at the 1997 edition or the enrolled acts.

APPENDIX E

The Indiana Code (IC) Citation Scheme

EXAMPLE:

IC 13-14-9-8(a)(1)(A)(ii)



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|              |                                                                                        |
|--------------|----------------------------------------------------------------------------------------|
| TITLE:       | TITLE 13. ENVIRONMENT                                                                  |
| ARTICLE:     | ARTICLE 14. POWERS AND DUTIES OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT AND BOARDS |
| CHAPTER:     | Ch. 9. Rulemaking Procedures                                                           |
| SECTION:     | Sec. 8. Waiver of both first and second public comment periods                         |
| SUBSECTION:  | (a)                                                                                    |
| SUBDIVISION: | (1)                                                                                    |
| CLAUSE:      | (A)                                                                                    |
| ITEM:        | (ii)                                                                                   |